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PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 2030—Legis. 3-50-9, dated Bangalore, 5th October 1950.

Ordered that the following Bills No. 56, 57, 58, 59, 61 and 62 of 1950, published in the *Gazette of India,* Part II, Section 2, dated the 19th August 1950, be republished in the *Mysore Gazette,* for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

PART II—SECTION 2

BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 9th August 1950 :—

BILL No. 56 OF 1950

A Bill to amend the Census Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Census (Amendment) Act, 1950.

2. *Amendment of section 1, Act XXXVII of 1948.*—In sub-section (*2*) of section 1 of the Census Act, 1948 (hereinafter referred to as the said Act), for the words "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin", the words "except the State of Jammu and Kashmir" shall be substituted.

3. *Insertion of new section 2 in Act XXXVII of 1948.*—After section 1 of the said Act, the following section shall be inserted, namely :—

"2. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860) or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to a Part B State, be construed as a reference to the corresponding enactment in force in that State."

4. *Amendment of section 14, Act XXXVII of 1948.*—In section 14 of the said Act, after the words "Magistrate of the second class", the words "or in a Part B State, a Magistrate corresponding to a Magistrate of the second class" shall be inserted.

5. *Repeal and savings.*—(*1*) If immediately before the commencement of this Act there is in force in the States of Hyderabad and Mysore any law which corresponds to the said Act, it is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the said Act, as if the said Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

The Census Act, 1948, does not extend to the States of Travancore-Cochin, Hyderabad, Mysore and Jammu and Kashmir. The States of Hyderabad and Mysore have local Census Acts of their own but not the State of Travancore-Cochin. In the absence of any such law it has become necessary to extend the Census Act, 1948, to that State. The Bill seeks to achieve this object. In the interests of uniformity, a provision has also been made to extend the Act to the States of Hyderabad and Mysore and for the repeal of the local Acts in force in those States. The result will be that there will be an uniform Census law throughout the country. The State of Jammu and Kashmir has been excluded from the operation of the Act as Parliament has no power to make a law for that State in respect of census. Moreover, it is not proposed to hold a census in that State next year.

V. J. PATEL.

NEW DELHI;
The 3rd August, 1950.

BILL NO. 57 OF 1950

A Bill to amend the Salaries of Ministers Act, 1947.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Salaries of Ministers (Amendment) Act, 1950.

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2. *Amendment of section 2, Act LIII of 1947.*—In section 2 of the Salaries of Ministers Act, 1947 (hereinafter referred to as the said Act), clause (*a*) shall be omitted.

3. *Substitution of new section for section 3, Act LIII of 1947.*—For section 3 of the said Act, the following section shall be substituted, namely:—

"3. *Salaries and allowances of Ministers.*—There shall be paid to each Cabinet Minister a salary of three thousand rupees *per mensem* and a sumptuary allowance of five hundred rupees *per mensem*, to each Minister of State a salary of three thousand rupees *per mensem*, and to each Deputy Minister a salary of two thousand rupees *per mensem*."

4. *Amendment of section 4, Act LIII of 1947.*—In sub-section (*1*) of section 4 of the said Act, for the words "Each Minister", the words "Each Cabinet Minister" shall be substituted.

5. *Repeal of Ordinance XX of 1950.*—The Salaries of Ministers (Amendment) Ordinance, 1950 (XX of 1950), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Salaries of Ministers Act, 1947, as adapted on the 26th January, 1950, provided only for the salaries, allowances and privileges of Cabinet Ministers. With the reconstitution of the Council of Ministers by the President on the 5th May, 1950, it became urgently necessary to amend the Act for fixing the salaries of Ministers of State and Deputy Ministers which, until then, were regulated by executive orders. Accordingly, the Salaries of Ministers (Amendment) Ordinance, 1950 (XX of 1950) was promulgated by the President on the 29th June, 1950.

This Bill seeks to give permanence to the amendments made by the Ordinance. Under the provisions of the Bill, Ministers of State as well as Deputy Ministers will continue to get the same salaries as before.

V. J. PATEL.

NEW DELHI;
The 4th August, 1950.

The following Bill was introduced in Parliament on the 10th August, 1950:—

BILL* No. 58 OF 1950

A Bill to provide for fixing fair rates of wages in certain classes of establishments and for certain matters connected therewith.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent, commencement and application.*—(*1*) This Act may be called the Fair Wages Act, 1950.

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* The President has, in pursuance of clause (3) of Article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

(4) It applies to every establishment which is a factory within the meaning of clause (*m*) of section 2 of the Factories Act, 1948 (LXIII of 1948), or a mine within the meaning of clause (*j*) of section 3 of the Indian Mines Act, 1923 (IV of 1923), and may be applied by the appropriate Government to such class or classes of other establishments as may, by notification in the Official Gazette, be specified in this behalf.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "award" means the interim or final determination by the Board or a Regional Board of any matter referred to such Board or Regional Board;

(*b*) "Board" means a Wages Board constituted under section 4;

(*c*) "cost of living index number", in relation to any class of employees in any establishment to which this Act applies, means the index number ascertained and declared by the appropriate Government, by notification in the Official Gazette, to be the cost of living index number applicable to such class of employees in that establishment;

(*d*) "employee" means any person employed in any establishment to do any work for hire or reward, whether the employment be express or implied, but does not include a person who is receiving wages exceeding two hundred rupees per mensem;

(*e*) "establishment" means any unit of employment in any part of which a manufacturing process or mining process is being carried on or is ordinarily so carried on, but does not include any unit of employment carried on by or under the authority of the Central Government or a State Government;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "Regional Board" means a Regional Wages Board constituted under section 7;

(*h*) "standard family" means a family consisting of one person, his or her spouse and two children below the age of fourteen years requiring in all three adult consumption units.

Explanation.—For the purposes of this clause "adult consumption unit" means the consumption unit of a male above the age of fourteen years, and the consumption unit of a female above the age of fourteen years and that of a child below the age of fourteen years shall be calculated at the rates of .8 and .6 adult consumption units, respectively;

(*i*) the expressions "Appellate Tribunal", "appropriate Government", "certified bargaining agent", "employer", "labour tribunal", "lock-out", "strike", "trade union" and "wages" have the meanings respectively assigned to them in section 2 of the Labour Relations Act, 1950, and the expression "manufacturing process" has the meaning assigned to it in section 2 of the Factories Act, 1948 (LXIII of 1948).

3. *Rule of construction in applying Act to Part B States.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State.

CHAPTER II

Boards and Regional Boards

4. *Constitution of Wages Boards.*—The appropriate Government may, by notification in the Official Gazette, constitute a Wages Board for the purpose of fixing fair rates of wages in the class of establishments in relation to which it is the appropriate Government and for discharging such other functions as may be assigned to it by or under this Act.

5. *Composition of Wages Boards.*—(*1*) A Board shall consist of a chairman and four other members to be appointed by the appropriate Government as follows:—

(*a*) the chairman to be appointed from amongst the chairmen of the Labour Tribunals;

(*b*) two members to represent the interests of employers; and

(*c*) two members to represent the interests of employees.

(*2*) The members to represent the interests of employers or employees shall be appointed in consultation with such associations of employers or trade unions of employees as the appropriate Government may think fit.

(*3*) Every appointment under this section shall take effect as soon as it is notified by the appropriate Government in the Official Gazette.

6. *Term of office of members of Boards.*—(*1*) Save as otherwise expressly provided in this Act, the term of office of a member of a Board shall be two years commencing from the date on which his appointment is notified in the Official Gazette.

(*2*) A member of the Board shall, on the expiration of his term of office, be eligible for reappointment.

7. *Regional Wages Boards.*—(*1*) Where the appropriate Government considers it necessary or expedient so to do, it may, by notification in the Official Gazette, constitute a Regional Wages Board for any local area for the purpose of fixing fair rates of wages in any class of establishments in that local area.

(*2*) A Regional Board for a class of establishments in any local area shall consist of a chairman and four other members to be appointed by the appropriate Government as follows:—

(*a*) the chairman to be appointed from amongst independent persons;

(*b*) two members to represent the interests of employers of that class of establishments in that local area; and

(*c*) two members to represent the interests of employees of that class of establishments in that local area.

Explanation.—Any person who is not connected with, or interested in, the matter referred to, or pending before, the Regional Board shall be deemed to be an independent person within the meaning of this sub-section.

(3) Every appointment under this section shall take effect as soon as it is notified by the appropriate Government in the Official Gazette.

8. *Removal of members from office.*—The appropriate Government may, by notification in the Official Gazette, remove from office any member of the Board or a Regional Board who,—

(a) without excuse sufficient in the opinion of the appropriate Government, is absent without the leave of the Board or Regional Board, as the case may be, from more than four consecutive meetings of the Board or Regional Board; or

(b) in the opinion of the appropriate Government, has failed or is unable to carry out his duties.

9. *Resignation of office by members.*—A member of the Board or a Regional Board may resign his office by giving notice in writing to the appropriate Government, and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

10. *Filling of vacancies.*—(1) If there is a casual vacancy in the Board or a Regional Board, the appropriate Government may appoint another person in accordance with the provisions of section 5 or section 7, as the case may be, to fill the vacancy, and the person so appointed shall hold office only for the remainder of the term for which the member whose place he takes was appointed.

(2) If any member of the Board or a Regional Board is absent on leave or is, for some reason, rendered temporarily incapable of carrying out his duties in circumstances not involving the vacation of his appointment, the appropriate Government may appoint another person to act in his place for the period for which he is absent.

11. *Vacancies, etc., not to invalidate acts or proceedings.*—(1) The Board or a Regional Board may act, notwithstanding the absence of any member or any vacancy therein, if it has the prescribed quorum.

(2) No act or proceeding of the Board or a Regional Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

12. Allowances or fees for members of Boards and Regional Boards.—*Every member of a Board or Regional Board shall be entitled to receive such remuneration, allowances or fees as the appropriate Government may determine.*

13. Officers and servants of Boards and Regional Boards.—(1) *A Board may, subject to the approval of the appropriate Government, appoint such officers and servants as it considers necessary for the efficient performance of functions by the Board and Regional Boards.*

(2) *The conditions of appointment and service and the scales of pay of the officers and servants of the Board shall be such as may be prescribed.*

CHAPTER III

Powers, Functions and Procedure of Boards and Regional Boards

14. *Reference of fixation of fair wages to the Board or a Regional Board.*—Where the appropriate Government is of opinion that it is necessary or expedient to fix fair rates of wages in respect of the employees or any class of employees

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in any class of establishments, it may, at any time, by order in writing, refer the matter to the Board or a Regional Board for fixing fair rates of wages in respect of such employees or class of employees in that class of establishments.

15. *Proceedings before Board or Regional Board.*—(*1*) Where any reference is made under section 14 to the Board or a Regional Board, such Board or Regional Board shall hold its proceedings expeditiously and fix fair wages having regard to the principles laid down in Chapter IV and other provisions of this Act and shall, as soon as practicable on the conclusion of the proceedings before it, submit its award to the appropriate Government.

(*2*) The Board or a Regional Board shall, subject to the rules made under this Act, maintain a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

(*3*) The award shall be in writing and signed by the members of the Board or of the Regional Board, as the case may be, hearing the reference :

Provided that nothing in this sub-section shall be deemed to prevent a member from recording a minute of dissent from the award.

(*4*) In the event of any difference of opinion among the members of the Board or a Regional Board, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairman shall prevail.

16. *Publication of award.*—The award of the Board or a Regional Board, together with any minute of dissent recorded therewith, shall be published by the appropriate Government in such manner as it thinks fit within a period of fifteen days from the date of its receipt.

17. *Commencement of award.*—(*1*) The award shall be enforceable on the expiry of sixty days from the date of its publication under section 16.

(*2*) The award shall come into operation with effect from such date as may be specified therein, and where no such date is so specified, it shall come into operation on the date on which the award becomes enforceable under sub-section (*1*).

18. *Period of operation of awards.*—(*1*) An interim award shall remain in operation until the final award becomes enforceable.

(*2*) A final award shall, subject to the provisions of this section, remain in operation for a period of one year :

Provided that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period, not exceeding one year at a time, as it thinks fit, so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(*3*) Notwithstanding the expiry of the period of operation of an award under sub-section (*2*), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(*4*) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since it was made there has been a material change in the circumstances on which the award was based, it may refer the award or a part of it to the Board or a Regional Board for decision whether the period of operation should not, by

reason of such change, be shortened, and the decision of the Board or the Regional Board, as the case may be, on such reference shall, subject to the provision for appeal, be final.

(5) In the computation of the period of operation of any award, the period during which the implementation of the award is stayed by the Appellate Tribunal shall be excluded.

19. *Persons on whom awards are binding.*—An award of the Board or a Regional Board shall be binding on,—

(a) all the employers of the class of establishments in the local area to which the proceedings relate, whether they were such employers at the time of making the award or subsequently became such employers in that local area; and

(b) all the employees to which the proceedings relate, whether they were employed at the time of making the award or subsequently became so employed.

20. *Certain powers of Boards and Regional Boards.*—(1) The Board or a Regional Board shall have the same powers as are vested in a civil court when trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed.

(2) The Board or a Regional Board may, if it so thinks fit, appoint one or more persons as assessors to advise it in any proceeding before it.

(3) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Board or a Regional Board shall be in the discretion of that Board or Regional Board, and such Board or Regional Board shall have full power to determine by whom and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid and the costs may be recovered in the manner provided for in section 45.

(4) The Board or a Regional Board shall be deemed to be a civil court for purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898); and any proceeding before such Board or Regional Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

21. *Temporary association of persons with Boards and Regional Boards.*—(1) The Board or a Regional Board may associate with itself in such manner and for such purposes as may be prescribed any person whose assistance or advice it may desire in discharging its functions under this Act.

(2) A person associated with the Board or a Regional Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board or Regional Board and shall offer such expert assistance as the Board or the Regional Board may require.

22. *Procedure before Board or Regional Board.*—The Board or a Regional Board shall follow such procedure as may be prescribed, and until such rules are made, the Board may, subject to such directions as may be given by the Appellate Tribunal, by order, regulate its practice and procedure and that of Regional Boards.

23. *Right of appropriate Government to appear in any proceeding.*—The appropriate Government may appear in any proceeding before the Board or a Regional Board whether or not it is a party to such proceeding and, thereupon, shall have the right to be heard as if it were a party to such proceeding.

24. *Representation of parties.*—(*1*) An employee shall be entitled to be represented in any proceeding under this Act,—

(*a*) where there is a certified bargaining agent, by such bargaining agent;

(*b*) where there is no certified bargaining agent but there is a trade union of the employees,—

(*i*) by an officer of a registered trade union of which he is a member;

(*ii*) by an officer of a federation of trade unions to which the trade union referred to in clause (*i*) is affiliated;

(*c*) where there is no certified bargaining agent or any trade union, by any other employee employed in the same establishment and authorised in the prescribed manner.

(*2*) An employer shall be entitled to be represented in any proceeding under this Act,—

(*a*) by an officer of an association of employers of which he is a member;

(*b*) by an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated;

(*c*) where there is no such association of employers, by any other employer in the same class of establishments and authorised in the prescribed manner.

(*3*) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Board or Regional Board, as the case may be.

25. *Board to exercise superintendence over Regional Boards.*—(*1*) The Board shall exercise superintendence over all Regional Boards, and, in particular, may,—

(*a*) co-ordinate the activities of such Regional Boards;

(*b*) issue general instructions to be followed by such Regional Boards;

(*c*) call for returns;

(*d*) regulate the practice and procedure of such Regional Boards;

(*e*) prescribe forms in which books and entries shall be kept by the officers of such Regional Boards;

(*f*) settle a table of fees payable for processes issued by such Regional Boards,

(2) Nothing in sub-section (1) shall be construed as giving to the Board any jurisdiction to question any award of any Regional Board.

26. *Power to withdraw and transfer references.*—The appropriate Government may, by order in writing, and for reasons to be stated therein, at any stage,—

(a) withdraw any reference made to the Board or any Regional Board and direct that no further proceedings be taken in respect of such reference, or

(b) transfer any reference pending from one Regional Board to another, and the Regional Board to which the reference is so transferred may proceed either *de novo* or from the stage at which it was transferred.

27. *Commencement and conclusion of proceedings before the Board or Regional Board.*—Any proceeding before the Board or a Regional Board shall be deemed to have commenced on the date on which the order of reference under section 14 is made and shall be deemed to have concluded,—

(a) on the date on which the award becomes enforceable under section 17, or

(b) on the date on which the reference under section 14 is withdrawn under section 26.

CHAPTER IV

Principles for Determination of Fair Wages

28. *Principles of determination of fair rates of wages.*—(1) Where any reference is made under section 14 to the Board or a Regional Board for fixing fair rates of wages in respect of employees in any class of establishments, the Board or Regional Board, as the case may be, shall ascertain the minimum rates of wages payable to such employees and the minimum rates so ascertained shall ensure such wages to an employee as may enable him to provide a standard family with food, shelter and clothing and also medical expenses and education of children appropriate to his station in life.

(2) In determining the fair rates of wages in respect of such employees, the Board or a Regional Board, as the case may be, shall consider all the circumstances of the case and, in particular, shall take the following factors into account, namely:—

(a) the minimum rates of wages payable to such employees;

(b) productivity of such employees;

(c) the prevailing rates of wages for performing similar work in any other class or classes of establishments in the local area;

(d) the competitive position in the international market of the class of establishments to which the proceedings relate;

(e) the wage-paying capacity of such class of establishments:

Provided that the fair rates of wages for such employees shall not be less than the minimum rates of wages payable to them, and, subject thereto, shall not exceed the wage-paying capacity of such class of establishments:

Provided further that where the Board or a Regional Board, as the case may be, is of opinion that the fair rates of wages determined under this section

exceed the wage-paying capacity of an establishment for any special reasons not connected with the mismanagement thereof, the Board or the Regional Board, as the case may be, may fix lower rates of wages for employees employed in that establishment.

(3) For the purpose of determining the wage-paying capacity of a class of establishments, the Board or a Regional Board, as the case may be, shall take into consideration the capacity of all such establishments which, in the opinion of that Board or Regional Board, fairly represent that class of establishments in the local area.

(4) In determining the wage-paying capacity under sub-section (3), the Board or a Regional Board, as the case may be, shall ensure that production of the class of establishments to which the proceedings relate is maintained with efficiency and due allowance is made for a fair return on capital, remuneration to management, and a fair allocation to reserves and depreciation funds so as to keep that class of establishments in an economically sound condition.

(5) A fair rate of wages for any class of employees shall be related to a fair load of work which that class of employees is expected to do, and if an employee belonging to that class does not turn out a fair load of work, the wages payable to that employee shall bear the same proportion to the fair rate of wages as the work done by him bears to the fair load of work, and in order to determine the productivity of employees and whether a fair load of work is being turned out by an employee, the Board or a Regional Board, as the case may be, may institute time and motion studies in such manner as may be prescribed.

29. *Components of fair rates of wages.*—Any fair rate of wages fixed under this Act may consist of a basic rate of wages and a cost of living allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number.

Explanation.—For the purposes of this section "cost of living allowance" means a special allowance given to an employee for the purpose of compensating him for an increase in the cost of living.

30. *Basic rate of fair wages.*—(1) Where any reference is made under section 14 to the Board or a Regional Board for fixing fair rates of wages in respect of employees of any class of establishments, such Board or Regional Board, as the case may be, may classify the employees into such classes as they may deem fit and proceed to determine the basic rate of fair wages for each such class of employees in accordance with the principles laid down in section 28.

(2) The basic rate of fair wages for any class of employees shall be so fixed that the same rate, except as provided in the second proviso to sub-section (2) of section 28, may be made applicable to all the establishments of the same class in the local area.

(3) The basic rate of fair wages shall be fixed with reference to a cost of living index number of 185 to 200 treating the cost of living index number of 1939 as 100:

Provided that where the Central Government, in consultation with the State Governments, ascertains and declares the index number applicable to any class of employees, the basic rate of fair wages for such employees shall be fixed with reference to such cost of living index number.

31. *Cost of living allowance.*—The cost of living allowance, which is to be paid in addition to the basic rate of wages, shall be computed in such manner and on such graduated scales as the appropriate Government may from time to time direct:

Provided that in the case of employees whose basic rate of wages does not exceed thirty-five rupees per month, the rate of cost of living allowance shall be so computed as to compensate such employees to the extent of one hundred per cent for the increase in the cost of living.

32. *Statutory and non-statutory benefits.*—In determining fair rates of wages for any class of employees, the Board or a Regional Board, as the case may be, may make due allowance for any benefit, statutory or otherwise, which goes to reduce the expenses of such employees on items of expenditure which may be taken into account in the calculation of fair rates of wages for such class of employees.

33. *Different rates for time-work, piece-work and over-time work.*—The Board or a Regional Board may fix,—

(*a*) a fair rate of wages for time-work (hereinafter referred to as time-rate);

(*b*) a fair rate of wages for piece-work (hereinafter referred to as piece-rate);

(*c*) a fair rate of wages to apply in respect of over-time work done by employees (hereinafter referred to as over-time rate):

Provided that where any over-time rate has been fixed under any law applicable to any class of employees, the fair rates of wages in respect of over-time work for such employees shall be fixed in accordance therewith.

34. *Different rates for different classes of establishments, etc.*—In fixing fair rates of wages under this Act, different fair rates of wages may be fixed for,—

(*a*) different classes of establishments;

(*b*) different classes of employees in the same establishment;

(*c*) different local areas;

(*d*) different wage periods:

Provided that where any wage periods have been fixed under section 4 of the Payment of Wages Act, 1936 (IV of 1936), fair rates of wages shall be fixed in accordance therewith.

35. *Different rates of wages for different classes of employees.*—In fixing different rates of wages for different classes of employees, the Board or a Regional Board, as the case may be, may take the following factors into consideration, namely:—

(*a*) the degree of skill required for doing the work;

(*b*) the strain and the fatigue involved in doing the work;

(*c*) the training and experience required for doing the work;

(*d*) the responsibility to be undertaken;

(*e*) the mental and physical requirements for doing the work;

(*f*) the disagreeableness of the task;

(*g*) the hazard attendant on the work.

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36. *Wages for men and women.*—Men and women shall receive equal pay for employment on piece-rates or for equal work done:

Provided that where women are employed in work done exclusively by them or where the women are less efficient than men, such women may be paid wages at a rate lower than that of men and in such a case, the standard family shall be deemed to consist of such number of adult consumption units, not exceeding three, as the Board may, subject to any directions of the Appellate Tribunal in this behalf, deem fit.

37. *Overtime.*—Where an employee, whose time-rate is fixed under this Act, works on any day for a period in excess of the number of hours constituting a normal working day, the employee shall be paid such overtime rate for the excess work done as may be fixed in this behalf.

38. *Wages of employees who work for less than normal working day.*—Where an employer neglects or fails to provide an employee with full work for a normal working day, the employee shall be entitled to receive wages in respect of the work done by him as if he had worked for a full normal working day.

39. *Revision of fair rates of wages fixed under this Act.*—Where the appropriate Government is of opinion that since the award fixing fair rates of wages was made, there has been a material change in the circumstances on which the award was based, the appropriate Government may refer the award or a part of it to the Board or a Regional Board, for revision of the rates of wages, and such Board or Regional Board, as the case may be, shall submit a fresh award making such changes, if any, in the original award as it deems fit and the provisions of this Act shall, as far as may be, apply in relation to a reference made under this section as they apply in relation to a reference made under section 14.

CHAPTER V

Appeals, Enforcement of Awards and Penalties

40. *Appeal.*—(*1*) Any party aggrieved by an award of the Board or a Regional Board may, within thirty days from the date on which such award becomes enforceable under section 17, prefer an appeal to the Appellate Tribunal:

Provided that the appropriate Government or the Central Government, where it is not the appropriate Government may, whether or not such Government is a party to the award, prefer such appeal to the Appellate Tribunal:

Provided further that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) Where an appeal is preferred under sub-section (*1*), the Appellate Tribunal shall determine the appeal as if it were an appeal preferred against the award of a Labour Tribunal under the Labour Relations Act, 1950 and the provisions of the said Act shall apply accordingly and the Appellate Tribunal shall have and exercise, in accordance with the same procedure, the same jurisdiction, power and authority, over all Boards and Regional Boards as the Appellate Tribunal has and exercises over all Labour Tribunals under the Labour Relations Act, 1950.

41. *Payment of fair wages by employers.*—(*1*) Where in respect of any class of employees, a fair rate of wages has been fixed under this Act, the employer shall pay to every employee of such class wages at a rate not less than the rate of wages so fixed.

(*2*) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

42. *Maintenance of registers and records.*—(*1*) Every employer of the establishment to which this Act applies shall, in such form and manner as may be prescribed, maintain such registers, records or notices, showing the employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars as may be prescribed.

(*2*) The appropriate Government may, by rules made under this Act, provide for the issue of wage books or wage slips to employees employed in any establishment to which this Act applies and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent.

43. *Inspectors.*—(*1*) The appropriate Government may, by notification in the Official Gazette, *appoint a Chief Inspector and as many Inspectors* as may be necessary for the purpose of inspecting the establishments to which this Act applies and may define the local limits within which an Inspector shall exercise his functions.

(*2*) Subject to any rules made under this Act, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants, if any, as he thinks fit, any premises or place where employees are employed in any establishment to which this Act applies or where relevant registers, records or notices may be kept for the purpose of examining any register, record or notice, required to be maintained by or under this Act;

(*b*) require the production of any register or record for inspection;

(*c*) examine any employee employed in any establishment to which this Act applies;

(*d*) require any person to give any information, which it is in his power to give, with respect to the payments made for the work of the employees;

(*e*) take copies of any register or record of wages or notices or any portion thereof; and

(*f*) exercise such other powers as may be prescribed.

(*3*) Every Inspector shall submit to the appropriate Government such report as that Government may require.

44. *Claims.*—(*1*) The appropriate Government may, by notification in the Official Gazette, *appoint any commissioner for workmen's compensation,* any judge of a civil court, any magistrate or the presiding officer of any Labour Court constituted under the Labour Relations Act, 1950, to be the authority to hear and decide for any specified area all claims arising out of payment of less than the fair rates of wages to employees employed or paid in that area.

(*2*) Where an employee is paid less than the fair rates of wages fixed for his class of establishment under this Act, the employee or any Inspector

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appointed under section 43 may, within six months from the date on which the wages became payable, apply to such authority for a direction under sub-section (*3*):

Provided that the authority may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(*3*) Where any application under sub-section (*2*) is entertained, the authority may, after giving an opportunity to the applicant and the employer of being heard, and after such further inquiry, if any, as it may consider necessary, direct without prejudice to any other penalty to which the employer may be liable under this Act, the payment to the employee of the amount by which the fair rates of wages payable to him exceed the amount actually paid, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount of the excess.

(*4*) If the authority hearing any application under this section is satisfied that the application was either malicious or vexatious, it may direct that a penalty not exceeding one hundred rupees be paid to the employer by the person presenting the application.

(*5*) Every direction of the authority under this section shall be final.

(*6*) Every authority appointed under sub-section (*1*) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of taking evidence and of enforcing attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

45. *Recovery of money.*—Any amount directed to be paid under section 44 or any money recoverable under any other provision of this Act may be recovered,—

(*a*) if the amount is directed to be paid under section 44 by a magistrate, as if it were a fine imposed by such magistrate, or

(*b*) in any other case, as arrears of land revenue or as public demand by the appropriate Government on an application made to it by the persons entitled to the money.

46. *Penalty for breach of terms of award.*—Any employer who pays to an employee less than the amount due to him under the provisions of this Act or in any way commits a breach of any term of an award which is binding on him shall be punishable with fine, and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid by way of compensation to any person who in its opinion, has been injured by such breach.

47. *Penalty for failure to maintain register and records.*—Any employer who fails to maintain a register or record required to be maintained under section 42 shall be punishable with fine.

48. *Penalty for other offences.*—Any person who contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to five hundred rupees.

49. *Offence by Company, etc.*—Where a person committing an offence under this Act is a company or other body corporate or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

CHAPTER VI

MISCELLANEOUS

50. *Effect of constitution of Wages Board on the jurisdiction of Labour Tribunals and other authorities.*—On and after the constitution of the Board under this Act, no Labour Tribunal or other authority shall have jurisdiction to entertain any matter which is capable of being referred under section 14 to that Board or a Regional Board, and all proceedings in respect of any such matter which, immediately before the constitution of the Board, were pending before any Labour Tribunal or other authority, shall stand transferred to that Board.

51. *Awards of Boards and Regional Boards to be final.*—The award of the Board or a Regional Board fixing fair rates of wages shall, subject to the provisions of this Act, be final and shall not be questioned in any proceeding under any other law for the time being in force and shall have effect notwithstanding anything inconsistent therewith contained in any award of any Labour Tribunal.

52. *Restrictions of strikes and lock-outs.*—(*1*) No employee shall give any notice of strike or go on strike and no employer shall give any notice of lock-out or declare a lock-out in pursuance of any dispute arising out of any matter referred to the Board or a Regional Board,—

(*a*) during the pendency of any proceeding before the Board, Regional Board, or the Appellate Tribunal, or

(*b*) during any period in which the award is in operation.

(*2*) A strike or lock-out shall be illegal if it is commenced, declared or continued in contravention of sub-section (*1*).

53. *Failure to turn out fair load of work to be good cause for dismissal.*—Where an employee fails or refuses, after due warning, to turn out a fair load of work, such failure or refusal shall be deemed to be a good cause for the dismissal of that employee.

54. *Contracting out.*—Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee either relinquishes or reduces his right to a fair rate of wages or any privilege or concession accruing to him under this Act shall be null and void in so far as it purports to reduce the fair rate of wages fixed under this Act:

Provided that nothing in this section shall apply to any written contract or agreement entered into between an employer on the one hand and a representative trade union or, where there is no such trade union, the representative of the employees chosen in the prescribed manner, on the other hand.

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Explanation.—For the purposes of this section, a trade union shall not be deemed to be representative or the employees shall not be deemed to be represented unless the trade union or the representatives represent not less than thirty per cent of the employees.

55. *Certain persons to be public servants.*—All the members of Boards and Regional Boards, all the persons appointed as the Authority and all Inspectors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

56. *Cognizance of offences by courts.*—(*1*) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by general or special order.

(*2*) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

57. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

58. *Power to exempt.*—(*1*) The appropriate Government may, by notification in the Official Gazette, exempt any establishment or class of establishments or all or any class of employees employed in any establishment, to which this Act applies from the operation of the provisions of this Act.

(*2*) Nothing in this Act shall apply to wages payable by an employer to a member of his family who is living with him and is dependent on him.

Explanation.—In this sub-section a member of the employer's family shall be deemed to include his or her spouse or child or parent or brother or sister.

59. *Act to apply to scheduled employments in the Minimum Wages Act in certain cases.*—Where any establishment to which this Act applies is a scheduled employment within the meaning of clause (*g*) of section 2 of the Minimum Wages Act, 1948 (XI of 1948) and which has not been exempted under section 58 from the operation of this Act, the provisions of this Act shall, and those of the Minimum Wages Act, 1948 shall not, apply to such establishment.

60. *Bar of jurisdiction.*—No civil court shall have jurisdiction in respect of any matter which the Board or a Regional Board is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

61. *Delegation of power.*—The appropriate Government may, by general or special order, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by an officer subordinate to that Government.

62. *Power to give directions.*—The Central Government may give directions to the State Governments as to carrying into execution the provisions of this Act.

63. *Power of appropriate Government to make rules.*—(*1*) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which representatives of employers and employees may be chosen in the Board or Regional Boards ;

(*b*) the qualifications for appointment as chairman of a Regional Board ;

(*c*) quorum for the functioning of the Board or Regional Boards ;

(*d*) conditions of appointment and service and the scales of pay of officers and servants of the Boards ;

(*e*) the form of notice and manner of service of notice under this Act ;

(*f*) the manner in which record of proceedings may be maintained by the Board or a Regional Board ;

(*g*) the manner in which the award of the Board or a Regional Board may be published ;

(*h*) the forms to be used and the registers to be maintained under this Act ;

(*i*) the powers vested in a civil court which may be exercised by the Board or a Regional Board ;

(*j*) the procedure to be followed by the Board or a Regional Board in respect of proceedings before it ;

(*k*) the regulation of the scales of the costs that may be allowed in proceedings before the Board or a Regional Board ;

(*l*) the purpose for which and the manner in which persons may be temporarily associated with the Board or a Regional Board ;

(*m*) the manner in which employers and employees may be represented in the proceedings before the Board or a Regional Board ;

(*n*) the manner in which minimum rates of wages may be calculated ;

(*o*) the manner in which the wage-paying capacity of a class of establishments and the prevailing rates of wages may be calculated ;

(*p*) the manner of calculating cost of living allowance ;

(*q*) the manner of calculating any unascertained sum of money or other benefits due to the employees ;

(*r*) the powers and duties of Inspectors appointed under this Act ;

(*s*) issue of wage books and wage slips and the manner of making and authenticating entries in wage books and wage slips ;

(*t*) the levy and collection of court-fees in respect of an application or appeal made, under this Act, the levy and collection of process fees in respect of service of summons and notices, and the levy and collection of fees in respect of supply of a certified or other copy of any notice or award or decision given under this Act ;

(*u*) any other matter which has to be, or may be, prescribed under this Act.

64. *Power of Central Government to make regulations.*—(*1*) The Central Government may, by notification in the Official Gazette, make regulations to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters specified in sub-section (*2*) of section 63.

(*3*) If any rule made under rule 63 is repugnant to any regulation made under this section, the regulation made under this section, whether before or after the making of the rule under section 63, shall prevail, and the rule made under section 63 shall, to the extent of the repugnancy, be inoperative.

STATEMENT OF OBJECTS AND REASONS

The Industrial Truce Resolution of 1947 laid down that in devising a system of remuneration to capital as well as labour, adequate provision must be made, *inter alia,* for payment of fair wages to labour. Government accepted that Resolution in their Statement on Industrial Policy, dated the 6th April 1948 and announced their intention to set up suitable machinery for its implementation. Accordingly, a Central Advisory Council was established, consisting of representatives of Central and Provincial Governments, of employers and of employees to examine the various problems arising out of the Industrial Truce Resolution. That Council was assisted in its study of the subject of fair wages by a tripartite committee which submitted a unanimous report.

2. The Fair Wages Bill which has been drafted on the basis of the report of the Committee on Fair Wages is the first step in the realisation of labour's dreams of a living wage which has been vouchsafed to it by the Constitution. The ultimate expectations have, however, to be tempered with immediate possibilities and hence the emphasis that the Bill places on the limit to fair wages being set by the capacity of industry to pay. It has, however, equally clearly been laid down that an employer to whom the provisions of the Bill apply shall in no circumstances pay his employees a wage less than the minimum wage described therein, irrespective of the capacity of the industry or the unit. The fair wage contemplated in the Bill will, so long as the cost of living index number exceeds a slab of 185 to 200 (the cost of living index number of 1939 being taken as 100), consist of a basic rate and a cost of living allowance, the latter to be adjusted according to such graduated scales as may, from time to time, be prescribed by the appropriate Government. There are also provisions in the Bill relating to the fixation of wage differentials, the calculation of over-time, the principle of equal pay for equal work and the revision of fair rates of wages from time to time.

3. It must, however, be mentioned that the principles for the determination of fair wages mentioned in Chapter IV of the Bill are, by the very nature of the concepts therein embodied, not always susceptible of exact or meticulous definition and are, therefore, more in the nature of directive and suggestive principles to be borne in mind by the wage-fixing machinery than as exact definitions complete in themselves and capable of immediate translation into final decisions. And yet, Government feel that it is an advantage to include them in the legislation both as an indication of the lines on which the various wage-fixing bodies should approach this vital and complex problem and as a guide which will facilitate co-ordination and the maintenance of uniform standards throughout the country.

4. The machinery contemplated for the fixation of fair wages is largely on familiar lines—tripartite Wages Boards co-ordinated by an All-India Appellate Body. The technical aspects of the working of Wages Boards, for example, publication, commencement and period of operation of awards and similar matters, are on the lines provided for in the Labour Relations Bill. The Act applies in the first instance to factories and mines, but is capable of extension by notification to other classes of establishments where a manufacturing or mining process is carried on.

5. The Fair Wages Bill, in its present form, is undoubtedly a novel experiment in the field of wage regulation, for it is not often that enactments of this kind provide for anything more than a bare machinery for fixation of wages. If then, Government have tried to include in the Bill something more than is usual or conventional, it is because they have tried to give expression, inadequately perhaps, to the hopes and aspirations of a class of wage-earners who occupy a strategic position in the economy of the country.

JAGJIVAN RAM.

NEW DELHI;
The 4th August, 1950.

FAIR WAGES BILL, 1950

FINANCIAL MEMORANDUM

The Fair Wages Bill contemplates the setting up of the following bodies :—

(1) Wages Boards, and

(2) Regional Wages Boards.

2. The Wages Boards to be set up under clause 4 of the Bill, will consist of two members to represent the interests of employers, two to represent the interests of employees and a Chairman to be appointed by the "appropriate Government" from among the Chairmen of the Labour Tribunals. Clause 7 of the Bill provides for the constitution of Regional Wages Boards for any local area. Each Regional Board will consist of two members to represent the interests of employers, two to represent the interests of employees and a Chairman to be appointed by the "appropriate Government" who shall be an independent person not connected with either employers' or employees' interests. The Wages Board is primarily a co-ordinating authority and may be expected to meet say four or six times a year for a few days each time.

3. So far as the Central Government is concerned, it is proposed to set up a Wages Board and it may be necessary to constitute four Regional Wages Boards for establishments in the "Central Sphere". The work of the Chairman of the Central Board will initially be entrusted to one of the Chairmen of the Central Government's Standing Industrial Tribunals at Calcutta or Dhanbad. It is not proposed to allow any extra remuneration to the Chairman of the Tribunal appointed for this work. Provision has, however, been made in the estimates for the appointment of a whole-time Chairman on a pay of Rs. 2,000 per mensem. The other four members of the Board may be paid a fee

of Rs. 40 each for each sitting of the Board, in addition to travelling and daily allowances as for a Central Government Officer of the first grade. On the assumption that there will be 30 sittings in one year, the expenditure on account of pay of Chairman, fees, etc., to members will be as follows :—

	Per Year. Rs.
Chairman	24,000
Fees to Members (for 30 days) ..	4,800
Travelling Allowance and Daily Allowance	11,250
.. Total ..	40,050

4. For the work relating to the Wages Board, the following staff will be required in addition to the existing staff of the Tribunal at Dhanbad or Calcutta which cost about Rs. 14,000 per annum :—

One Research Officer (Rs. 350—25—500—EB—30—650—EB—30—800) One Upper Division Clerk (Rs. 80—5—120—EB—8—200—10/2—220) Two Lower Division Clerks (one will be a stenotypist getting an additional allowance of Rs. 20 per mensem.) (Rs. 55—3—85—EB—4—125—5—130) Two Peons	Rs. 14,500 (including allowances.)

5. Provision will also be necessary for payment of fees to persons temporarily associated with the Board under clause 21 of the Bill and to assessors under clause 20 at the same rate as for Members of the Board. Their fees and other contingent expenditure connected with the functioning of the Board may be roughly estimated at Rs. 13,000 per annum.

6. The total annual expenditure of the Wages Board may, therefore, be estimated at Rs. 81,550.

7. For Regional Wages Boards also it will be necessary to have a whole-time Chairman and to pay the four Members fee at the same rate (Rs. 40 a day) as for the Members of the Central Wages Board. The expenditure on this account, on the presumption that each Regional Board will have 15 sittings in a year, will come to,—

	Rs.
Pay of Chairman	18,000
Fees to the Members	2,400
Travelling allowance for the Members	11,250

The expenditure on staff for each Regional Board for a period of one year will be as follows :—

Staff for one Regional Board—	
One Research Officer (Rs. 350—800) One Stenographer (Rs. 80—220) One Upper Division Clerk (Rs. 80—220) Two Lower Division Clerks (Rs. 55—130) Three Peons	Rs. 16,000 (including allowances).

Expenditure on other items as detailed in para 5 above, may be estimated at about Rs. 9,000 per annum.

The total expenditure for one Regional Board will thus be Rs. 56,650 per annum and for four such Boards Rs. 2,26,600.

8. Clause 43 of the Bill provides for the appointment of a Chief Inspector and Inspectors for the purpose of inspecting establishments to see whether the provisions of this Bill are properly observed. It is the intention to entrust this work to the officers of the Central Industrial Relations Machinery and so no additional expenditure on this account is anticipated immediately. But a sum of Rs. 20,000 has been included in the estimate in case whole-time staff if found necessary.

9. The total annual recurring expenditure to be incurred by the Central Government as a result of the Fair Wages Bill will be about Rs. 3.3 lakhs. The attached statement gives an abstract of the expenditure.

10. In addition to the expenditure mentioned above State Governments will incur expenditure on Wages Boards and Regional Wages Boards on the lines mentioned above. While each State will have only one Wages Board, the number of Regional Wages Boards to be set up will vary from State to State depending on the number and types of factories and mines to be covered. It is, therefore, difficult to estimate the expenditure to be borne by the States. Assuming, however, that each State will be meeting expenditure more or less to the same extent as the Central Government, the total expenditure for all State Governments may be estimated at about Rs. 50 lakhs taking into account the fact that the scales of pay in States are generally lower than those at the Centre. The total expenditure, Central and State, will amount to Rs. 53 lakhs. Substantial reduction in this expenditure is, however, possible by (i) utilising the existing industrial tribunals in the country; and (ii) by securing the services of members of the Boards without payment of fees.

ABSTRACT OF EXPENDITURE

		Per Annum.
		Rs.
Pay of Chairman		24,000
Fees for 4 members (for 30 days at Rs. 40 per day) ..		4,800
T.A., etc.		11,250
Staff—		
Research Officers, etc. ..	7,500	
Allowances	7,000	
Contingencies	3,000	
Rent, Furniture	2,000	
	19,500	19,500
Allowance for Assessors, Committee Members (Lumpsum) ..		8,000
Cost of present staff of the Calcutta or Dhanbad Tribunal ..		14,000
		81,550

Regional Boards—4

Pay of Chairman	18,000
Fees for 4 members (for 15 days at Rs. 40 per day)	2,400
Travelling Allowances, etc.	11,250
Allowances to Committees, Assessors, etc.	4,000
Staff (as proposed)	16,000
Contingencies, Rent, etc.	5,000
Cost of 1 Regional Board	56,650
Cost of 4 Regional Boards	2,26,600
Inspectors (lumpsum)	20,000
Cost to Central Government:	
Wages Board	81,600
Four Regional Wages Boards	2,26,600
Inspection Staff	20,000
	3,28,150

or Rs. 3.3 lakhs.

STATES

		Rs.
16 Wages Boards	.. .. ..	13,20,000
64 Regional Boards	.. .. ..	39,36,000
		52,56,000
Deductions for lower scales of pay, allowances, etc.	..	—2,56,000
Total cost Rs.	..	50,00,000 (50 lakhs)

Total Expenditure—

Central Government	Rs. 3.3 lakhs
State Governments	Rs. 50.0 lakhs
	Rs. 53.3 lakhs per annum.

The following Bills were introduced in Parliament on the 11th August, 1950 :—

BILL NO. 59 OF 1950.

A Bill to amend the Influx from Pakistan (Control) Act, 1949.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Influx from Pakistan (Control) Amendment Act, 1950.

2. *Amendment of section 1, Act XXIII of 1949.*—In sub-section (*2*) of section 1 of the Influx from Pakistan (Control) Act, 1949 (hereinafter referred to as the said Act), the words "except the State of Hyderabad" shall be omitted.

3. *Amendment of section 2, Act XXIII of 1949.*—Clause (*d*) of section 2 of the said Act shall be omitted.

4. *Insertion of new section 5A in Act XXIII of 1949.*—After section 5 of the said Act, the following section shall be inserted, namely :—

"5A. *Place of trial of offences.*—An offence punishable under this Act may be tried by a court within the local limits of whose jurisdiction the offence was committed or the accused person may be found."

5. *Repeal of Ordinance XXII of 1950.*—(*1*) The Influx from Pakistan (Control) Amendment Ordinance, 1950 (XXII of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

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STATEMENT OF OBJECTS AND REASONS

The Influx from Pakistan (Control) Act, 1949, extends to the whole of India, except the State of Hyderabad. As there is no parallel legislation in Hyderabad, State authorities were experiencing great difficulties in dealing with persons, who infiltrated into the State without permits or having entered lawfully, contravened the provisions of any of the rules framed under the Act. It became, therefore, necessary to extend the Act to Hyderabad. The Influx from Pakistan (Control) Amendment Ordinance, 1950, was promulgated on the 24th July, 1950 to achieve this object. The present Bill seeks to replace the Ordinance by an Act of Parliament.

Under the Act offences could be tried only by courts within the local limits of whose jurisdiction the offence was committed. This has created great difficulties. The present Bill seeks to remove the difficulty by making a provision that the offences punishable under the Act may be tried not only at the place where the offence was committed but also at the place where the accused person may be found.

A. P. JAIN.

NEW DELHI;

The 31st July, 1950.

The following Bills were introduced in Parliament on the 12th August, 1950:—

BILL* No. 61 OF 1950

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 3) Act, 1950.

2. *Issue of Rs. 15,27,60,000 out of the Consolidated Fund of India for the year 1950-51.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifteen crores, twenty-seven lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Parliament the introduction and consideration of the Bill.

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the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
8	Indian Posts and Telegraphs Department (including Working Expenses)	25,00,000	..	25,00,000
9	Cabinet	77,000	..	77,000
11	Ministry of Home Affairs	1,83,000	..	1,83,000
109A	Transfer to Contingency Fund of India	15,00,00,000	..	15,00,00,000
	GRAND TOTAL ..	15,27,60,000	..	15,27,60,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund and the grants made by Parliament for expenditure of the Central Government, excluding Railways, for 1950-51.

C. D. DESHMUKH.

NEW DELHI;

The 2nd August, 1950

BILL NO. 62 OF 1950

A Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. *Omission of preamble, Act XXIV of 1946.*—The preamble to the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), shall be omitted.

3. *Amendment of section 1, Act XXIV of 1946.*—In section 1 of the said Act,—

(*a*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) It extends to the whole of India except the State of Jammu and Kashmir, but shall come into force in a Part B State to which this Act extends only on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different Part B States";

(*b*) in sub-section (*3*), for the figures "1951", the figures "1954" shall be substituted.

4. *Amendment of section 2, Act XXIV of 1946.*—In section 2 of the said Act,—

(*a*) after item (*i*) of clause (*a*), the following item shall be inserted, namely:—

"(*ia*) cattle fodder";

(*b*) after clause (*c*), the following clause shall be inserted, namely:—

'(*cc*) "cattle fodder" includes oil-cakes and other concentrates;'.

5. *Insertion of new section 2A in Act XXIV of 1946.*—After section 2 of the said Act, the following section shall be inserted, namely:—

"2A. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898), or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to any Part B State to which this Act applies, be construed as a reference to the corresponding enactment in force in that State."

6. *Amendment of section 3, Act XXIV of 1946.*—For sub-section (*3*) of section 3 of the said Act, the following sub-section shall be substituted, namely:—

"(*3*) An order made under sub-section (*1*) may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central or State Government and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties."

7. *Substitution of new section for section 7, Act XXIV of 1946.*—For section 7 of the said Act, the following section shall be substituted, namely:—

"7. *Penalties.*—(*1*) If any person contravenes any order under section 3 relating to cotton textiles, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine; and any property in respect of which the order has been contravened or such part thereof as to the Court may seem fit shall be forfeited to the Government.

(2) If any person contravenes any order under section 3 relating to foodstuffs,—

(a) he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine, unless for reasons to be recorded, the court is of opinion that a sentence of fine only will meet the ends of justice; and

(b) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit, shall be forfeited to the Government, unless for reasons to be recorded the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property:

Provided that where the contravention is of an order prescribing the maximum quantity of any foodgrain that may lawfully be possessed by any person or class of persons, and the person contravening the order is found to have been in possession of foodgrain exceeding twice the maximum quantity so prescribed, the court shall—

(a) sentence him to imprisonment for a term which may extend to seven years and to a fine not less than twenty times the value of the foodgrain found in his possession, and

(b) direct that the whole of such foodgrain shall be forfeited to the Government.

(3) If any person contravenes any order under section 3 relating to any essential commodity other than cotton textiles and food stuffs, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both, and if the order so provides, any property in respect of which the court is satisfied that the order has been contravened may be forfeited to the Government.

(4) If any person to whom a direction is given under sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

8. *Amendment of section 7A, Act XXIV of 1946.*—In section 7A of the said Act, the words, brackets and figure "sub-section (1) of" shall be omitted.

9. *Insertion of new sections 13A and 13B in Act XXIV of 1946.*—After section 13 of the said Act, the following sections shall be inserted, namely:—

"13A. *Special provisions regarding bail.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no person accused or convicted of a contravention of any order under section 3 relating to food grains which is punishable under the proviso to sub-section (2) of section 7 shall, if in custody, be released on bail or on his own bond unless,—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention.

13B. *Cases to be disposed of expeditiously.*—Where any offence is not being tried in a summary way under section 12 of this Act,—

(*a*) sub-section (*1*) of section 256 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall have effect as if the words "at the commencement of the next hearing of the case or, if the Magistrate, for reasons to be recorded in writing, so thinks fit," had been omitted; and

(*b*) the hearing of the case shall be continued from day to day unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded."

10. *Amendment of section 17, Act XXIV of 1946.*—After sub-section (*3*) of section 17 of the said Act, the following sub-section shall be inserted, namely:—

"(*4*) If immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law which corresponds to this Act, such corresponding law shall on that day stand repealed:

Provided that any order made and in force immediately before that day in the said State shall continue in force and be deemed to be an order made under this Act, and all appointments made, licences or permits granted, and directions issued, under any such order and in force immediately before that day shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act."

STATEMENT OF OBJECTS AND REASONS

As a result of the Korean war there has been a sudden rise in the prices of foodstuffs. Similarly, on account of drought in certain parts of Madras last year, a comparative failure of gram crop in the last spring in North India and floods in Bihar on account of the heavy rains in the last month, there is a growing tendency among all sections of the people to hoard foodgrains. It is, therefore, necessary to take measures to stop this tendency to hoard which creates unnecessary panic. Unless hoarded quantities are made available to the Government, it will be difficult to maintain equitable distribution of our limited resources of foodgrains. The Bill, therefore, provides for more drastic punishment in the case of persons who are guilty of excessive hoarding of foodgrains. Provision has also been made for the expeditious disposal of cases of hoarding.

2. When the original Essential Supplies (Temporary Powers) Act was passed it was made applicable to British India. The Act, is, therefore, not applicable today to the States mentioned in Part B of the Constitution. It is necessary to have a uniform law on the subject of Essential Supplies for all parts of the Indian Union.

K. M. MUNSHI.

NEW DELHI;
The 11th August, 1950.

M. N. KAUL,
Secretary.